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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. 09cr3962-JAH
	)	
Plaintiff,	)	ORDER OF CRIMINAL FORFEITURE
	)	
v.	)	
	)	
JUAN CARLOS ESQUADA DE LA CRUZ	)	
(2),	)	
	)	
Defendant.	)	
_____	)	

WHEREAS, in the Information in the above-captioned case, the United States sought forfeiture of all right, title, and interest of the above-named Defendant, JUAN CARLOS ESQUADA DE LA CRUZ ("Defendant"), in all property constituting or derived from proceeds of the offense and forfeiture of all property used or intended to be used in the offense, pursuant to Title 21, United States Code, Section 853, and

WHEREAS, on or about October 14, 2010, Defendant pled guilty to Count 1 of the Information, which plea included a consent to the forfeiture allegation of the Information, which states in pertinent part:

2. As a result of the commission of the felony offenses alleged in this indictment, said violations being punishable by imprisonment for more than one year and pursuant to Title 21, United States Code; Section 853(a)(1), defendant JUAN CARLOS ESQUADA DE LA CRUZ shall, upon conviction, forfeit to the United States all his/her rights, title and interest in any and all property constituting, or derived from, any proceeds the Defendants obtained, directly or indirectly, as the result of the offenses.

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1                   3. As a result of the commission of the felony offenses alleged in this  
 2 indictment, said violations being punishable by imprisonment for more than one  
 3 year and pursuant to Title 21, United States Code, Section 853(a) (2), defendant  
 4 JUAN CARLOS ESQUADA DE LA CRUZ shall, upon conviction, forfeit to the  
 United States all [his] rights, title and interest in any and all property used or  
 intended to be used in any manner or part to commit and to facilitate the  
 commission of the violations alleged in this indictment.

5                   4. If any of the above-described forfeitable property, as a result of any  
 6 act or omission of the defendants -

- 7                   (a) cannot be located upon the exercise of due diligence;
- 8                   (b) has been transferred or sold to, or deposited with, a third party;
- 9                   (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided  
 without difficulty;

10                   it is the intent of the United States, pursuant to Title 21, United States Code,  
 11 Section 853(p), to seek forfeiture of any other property of the defendants up to the  
 12 value of the said property listed above as being subject to forfeiture. All in violation  
 of Title 21, United States Code, Section 853; and

13                   WHEREAS, by virtue of the admissions the Defendant set out in the plea agreement and  
 14 guilty plea, the Court determined that all property constituting or derived from proceeds of the  
 15 offense and forfeiture of all property used or intended to be used in the offense by the Defendant  
 16 are subject to forfeiture to the United States pursuant to Title 21, United States Code,  
 17 Section 853; and

18                   WHEREAS, by virtue of the facts set forth in the plea agreement, the United States has  
 19 established the requisite nexus between the forfeiture allegations and the offense; and

20                   WHEREAS, the United States, having submitted the Order herein to the Defendant through  
 21 his attorney of record, to review, and no objections having been received;

22                   Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:


23                   1. Defendant JUAN CARLOS ESQUADA DE LA CRUZ , pursuant to the forfeiture  
 24 allegation to which he has pled, shall forfeit to the United States any and all property constituting  
 25 or derived from, any proceeds Defendant obtained directly or indirectly, as the result of the  
 26 violation, as well as any property used or intended to be used to facilitate the commission of the  
 27 violation to which Defendant has pled guilty.

28                   //

1           2.       The United States may, at any time, move pursuant to Rule 32.2(e) to amend this  
2 Order of Forfeiture to substitute specific property for the proceeds or facilitating property  
3 described in paragraph 1 above, up to the value of that property, in whole or in part.

4           3.       The United States may take any and all actions available to it to investigate, seize  
5 and forfeit properties of the Defendant pursuant to paragraph 1 and this Court shall retain  
6 jurisdiction to enforce this order and judgment.

7  
8 DATED: January 4, 2011

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10 JOHN A. HOUSTON  
11 United States District Judge  
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